

Notice of Allowability

Application No.

10/529,190

Examiner

Rei-tsang Shiao, Ph.D.

Applicant(s)

MAASE ET AL.

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 09/28/2007.
2. ☒ The allowed claim(s) is/are 12-47, now are 1-36.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This application claims benefit of the foreign application:
GERMANY 102 44 684 with a filing date 09/24/2002.
2. Amendment including cancellation of claims 1-11 and addition of claims 12-47 in the amendment filed on September 28, 2007 is acknowledged. Claims 12-47 are pending in the application. No new matter is found. Since the newly added claims are commensurate with the scope of the instant invention. Claims 12-47 are prosecuted in the case.

Responses to Amendment/Arguments

3. Since claim 4 has been cancelled, the rejection of claim 4 under 35 U.S.C. 112, second paragraph has been obviated herein. Applicant's arguments regarding the rejection of the limitation "Friedel-Crafts catalyst" or "Arbusov catalyst", of claims 29 filed on November 13, 2007, have been fully considered and they are persuasive.
4. Since claims 1-6 has been cancelled, the rejection of claims 1-6 under 35 U.S.C. 102(b) has been obviated herein. The newly added claims 12-47 are not anticipated by Hennig et al. CAS: 108:37955 or Lindner et al. CAS: 95: 115668.
5. Since claims 1-6 has been cancelled, the rejection of claims 1-6 under 35 U.S.C. 102(b) has been obviated herein. The newly added claims 12-47 do not render obviousness over Leppard et al. US 5,399,770. The instant processes (i.e., via a rearrangement reaction) are distinct from Leppard et al.

Reasons for Allowance

6. The following is an examiner's statement of reasons for allowance:

Claims 12-47 are neither anticipated nor rendered obvious over the art of record, and therefore are allowable. This invention relates to method for the production of acylphosphine. The closest reference is Leppard et al. US 5,399,770, which discloses alkylbisacylphosphine oxides. The difference between Leppard et al. and instant claims is that the instant processes are not found in Leppard et al. A suggestion for modification of above reference to obtain the instant claimed processes has not been found. Claims 12-47 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

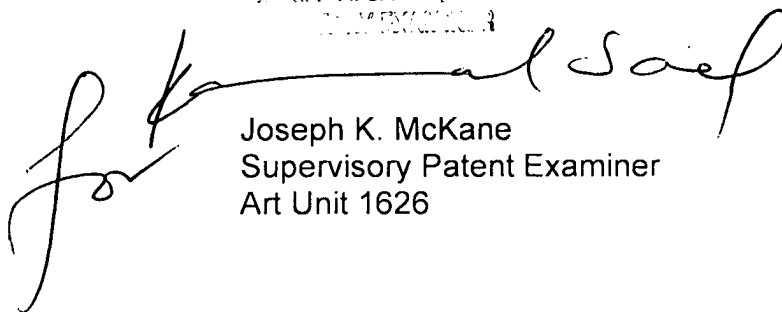
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rei-tsang Shiao whose telephone number is (571) 272-0707. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

STAMP: A. G. 10/11/07
10/11/07

A handwritten signature in black ink, appearing to read 'Joseph K. McKane', is written over a faint rectangular stamp. The signature is fluid and cursive.

Joseph K. McKane
Supervisory Patent Examiner
Art Unit 1626

December 18, 2007